

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1, 2, 4-18, 20 and 21 are now present in this application. Claims 1 and 17 are independent.

Amendments have been made to the Abstract of the Disclosure and specification, claims 3 and 19 have been canceled and claims 1, 2, 4-18, 20 and 21 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed 6 September 2006, and for providing Applicant with an initialed copy of the PTO-SB08 form filed therewith.

Drawings

Applicant thanks the Examiner for indicating that the drawings are accepted.

Specification Amendments

Applicant has amended the specification and Abstract in order to remove references to the claims from the specification and legal phraseology from the Abstract.

Rejection Under 35 U.S.C. § 102 and § 103

Claims 1-9, 12, 15, 17, 19/17 and 20 stand rejected under 35 U.S.C. § 102 as being anticipated by US 3,622,421 (Cook) and claims 13, 14, 16, 18, 19/18 and 21 as being obvious over

US 3,622,421 (Cook). Further, claim 10 stands rejected under 35 U.S.C. § 103 as being obvious over Cook in view of 4,305,240 (Grevich et al.). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements in a device for producing container blanks from a material web including a plurality of tools supported by a rotary tool holder, each tool comprises a base element which is fixedly mounted on the tool holder and an engaging element which is pivotable relative to the base element, wherein base elements of the tools form a substantially continuous section enclosing the rotary tool holder, said rotary tool holder is on rotation being arranged to move each tool along a working path along which each tool is engageable with the material web for joining of opposite wall portions of the material web along connecting portions defining said container blanks, and a return path along which each tool is disengageable from the material web, each tool being arranged to be moved together with the material web when the tool is moved along said working path, and said tool holder acting as a deflecting means for the material web when this moves together with the respective tools along said working path. Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Cook.

Further, Applicant respectfully submits that independent claim 17 has been amended to recite a combination of steps in a method for producing container blanks from a material web by joining opposite wall portions of the material web along connecting portions defining said container blanks, comprising deflecting said material web over a tool holder, rotating the tool holder to move tools supported by the same along a working path, and by continued rotation of the tool holder, moving the tools along a return path to the beginning of said working path, each tool, for providing said joining, being engaged with the material web by pivoting an engaging element towards a base element for clamping the material web therebetween, the base elements of the tools form a substantially continuous section enclosing the rotary tool holder, and

being moved together with said material web during the movement of the tool along said working path. Applicant respectfully submits that this combination of elements as set forth in independent claim 17 is not disclosed or made obvious by the prior art of record, including Cook.

Applicant respectfully submits that Cook discloses a bag-fabricating method and a machine for carrying out the same. A web of plastic tubing is deflected over a rotatably mounted drum 14. The periphery of the drum 14 is supplied with a series of circumferentially spaced vacuum ports 15 which are operated to grip and hold the web on the surface of the drum. A transverse sealing bar mechanism 16 is arranged on the drum 14 between each pair of adjacent vacuum ports 15. Associated with each sealing bar mechanism 16 is a web engaging or lifting mechanism 17 which engages the inner face of the web material and lift a portion of it in a radial direction when the web is initially applied to the drum 14. The length of the web material held on the drum between each vacuum port 15 and the next succeeding vacuum port 15 is sufficient to relieve any longitudinal tension in the web, when the web is released by the mechanism 17, and thereby enabling a seal 18 to be formed while the material is completely relaxed (see column 2 line 43-58). The fact that the sealing is performed on a completely relaxed material is the key point of Cook (see column 1 line 17-30).

Amended claims 1 and 17 recite tools arranged to produce container blanks by joining opposite wall portions of the material web along connecting portions defining the container blanks, whereas Cook is used for fabricating bags by transversely sealing at predetermined spaced intervals. Further, the invention according to amended claims 1 and 17 differ from Cook in that the base elements of the tools, used for joining opposite wall sections of the material web along connecting portions, form a substantially continuous section enclosing the rotary tool holder.

The claims define over the device disclosed by Cook and one of ordinary skill would not consider modifying the device disclosed by Cook to comprise the type of tools recited in claims 1 and 17. The skilled person would not modify the tools so that they each have base elements, the base elements forming a substantially continuous section enclosing the rotary tool holder because it would be in contradiction to the teachings of Cook. Cook discloses a method of fabricating bags by applying transverse seals at predetermined spaced intervals to a flattened

thermoplastic web, with the feed of the web controlled so that the material in the sealing area is fully relaxed and free from longitudinal tension while the seal is effected and for a period thereafter while the seals are cooled (see column 1 line 17-30). If the device of Cook would be modified to have base elements of the tools forming a substantially continuous section enclosing the rotary tool holder, the object of Cook would not be fulfilled. In a device having tools as defined in claims 1 and 17 of the present invention, the use of circumferentially spaced vacuum ports, which are operated to grip and hold the web, and a web engaging or lifting mechanism, which is operative to engage the inner face of the web material and lift a portion of it in a radial direction when the web is initially applied to the drum, would be impossible to implement. Thus, it would be impossible to control the web so that the material in the sealing area is fully relaxed and free from longitudinal tension while the seal is effected. Accordingly, the skilled person should not modify the device according to Cook in accordance with the invention as claimed.

With regard to dependent claims, 2, 4-16, 18, 20 and 21, Applicant submits that these claims depend, either directly or indirectly, from independent claims 1 or 17 which are allowable for the reasons set forth above, and therefore are allowable. In addition, these claims recite further limitations which are not disclosed or made obvious by the applied prior art references. Reconsideration and allowance thereof are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

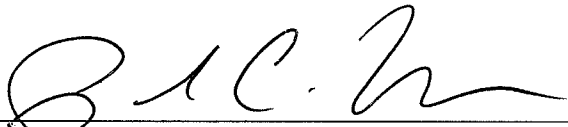
Application No. 10/591,799
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Docket No.: 0104-0588PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 13, 2008

Respectfully submitted,

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